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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

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ENROLLED BILL ANALYSIS

BILL NUMBER: HB 4718 (Substitute H-2)

TOPIC: Provides for dental hygienists to utilize dental assistants as his/her "second pair of hands".

SPONSOR: Representative Eileen Kowall

CO-SPONSORS: Representatives Greg MacMaster, Cindy Denby, Lesia Liss, Marcia Hovey-Wright, Ken Goike, Paul Muxlow, Gail Haines, Ken Yonker, Hugh D. Crawford, Matt Huuki, Bill Rogers, Holly Hughes, Andrea LaFontaine, Jon Bumstead, Rick Outman, Charles Brunner, Joan Bauer, Dian Slavens, Joe Haveman, Kenneth Kurtz, Kurt Damrow, Kevin Cotter, Wayne A. Schmidt

COMMITTEE: House Health Policy Committee
Senate Health Policy Committee

DATE INTRODUCED: June 9, 2011
DATE ENROLLED: July 18, 2012
DATE OF ANALYSIS: July 18, 2012

ADMINISTRATION POSITION: Administration is neutral on the legislation.

PROBLEM/BACKGROUND

Public Act 161 of 2005 authorized dental hygienists to provide their services in special clinics without the direct supervision of a dentist. Dental hygienists would greatly benefit from the assistance of dental assistants while working at these special clinics and HB 4718 would allow dental hygienists to supervise dental assistants to act as his or her "second pair of hands".

DESCRIPTION OF BILL

The bill adds Section 16626 of the Public Health Code to allow a dental assistant to act as a second pair of hands for a dentist or dental hygienist provided all of the following are met:

- The dentist or dental hygienist is actively performing services in the mouth of a patient at the time the dental assistant is assisting him or her.

- If the dental assistant is assisting a dental hygienist, a supervising dentist has assigned the dental assistant to act as the dental hygienist's second pair of hands.

The Board of Dentistry's administrative rules defines "second pair of hands" as acts, tasks, functions, and procedures performed by a dental assistant, registered dental assistant, or registered dental hygienist at the direction of a dentist who is in the process of rendering dental services and treatment to a patient. The acts, tasks, functions, and procedures performed by a dental assistant, registered dental assistant or registered dental hygienist are ancillary to the procedures performed by the dentist and intended to provide help and assistance at the time the procedures are performed. This definition shall not be deemed to expand the duties of the dental assistant, registered dental assistant, or registered dental hygienist as provided by the act and rules promulgated by the board.

In addition, the bill would add a section to not require new or additional third-party reimbursement or mandated worker's compensation benefits for services rendered by an individual licensed as a dental assistant or as a dental hygienist.

SUMMARY OF ARGUMENTS

Pro

In accordance with Public Act 161 of 2005, dental hygienists are authorized to practice in special clinics without a licensed dentist supervising. HB 4718 would provide dental hygienists the assistance of dental assistants in these special clinics in which the registered dental hygienist is authorized to practice without a dentist in accordance with Public Act 161 of 2005.

Con

Some registered dental assistants have expressed concern that some of the tasks assigned will not be within the "second pair of hands" definition.

FISCAL/ECONOMIC IMPACT

Are there revenue or budgetary implications in the bill to the –

(a) Department

Budgetary: None

Revenue: None

Comments:

(b) State

Budgetary: None

Revenue: None

Comments:

(c) Local Government

Comments: None

OTHER STATE DEPARTMENTS

ANY OTHER PERTINENT INFORMATION

It would make more sense to define “second pair of hands” in the statute versus referencing the Board of Dentistry’s administrative rules. If we changed the administrative rule, then it could cause problems with this bill should it be signed into law. There have also been some interest in having unlicensed dental assistants regulated.

The following organizations testified or submitted cards in support of the bill:

Michigan Dental Association

Michigan Dental Hygienists Association

Michigan Department of Community Health

Coalition for Oral Health

ADMINISTRATIVE RULES IMPACT

The Board of Dentistry’s administrative rules would need to be revised.